



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7304 of 2022

WEB COPY

1. Manikandan
2. Rajasekar @ Sekar

... Petitioners/Accused No.1&2

Vs

State Rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
In Crime No.124/2022.

... Respondent/Complainant

For Petitioners : M/s.Mathavan G,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.124/2022 on the file of the Respondent Police.

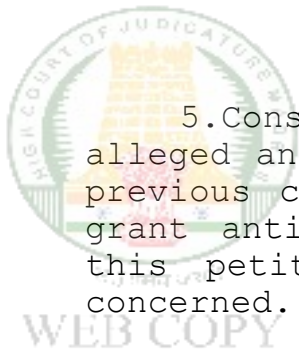
ORDER : The Court made the following order :-

The petitioners/accused No.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act in Cr.No.124 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of ½ unit of river sand. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have transported ½ unit of river sand illegally. He would further submit that the first petitioner is having five previous cases for similar offence and the second petitioner is having no previous case.



5.Considering the seriousness and gravity of the offence alleged and also the fact that the first petitioner is having five previous cases for similar offence, this Court is not inclined to grant anticipatory bail to first petitioner is concerned. Hence, this petition is dismissed as against the first petitioner is concerned.

6.Regarding the second petitioner is concerned, he is having no previous case and hence, this Court is inclined to grant anticipatory bail to the second petitioner, but with certain conditions.

7.Accordingly, the second petitioner shall pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of the District Mineral Foundation Trust, Thanjavur District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District.

8.On production of such receipt/acknowledgment, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thiruvaiyaru, Thanjavur District, on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the second petitioner shall report before respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)**



AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/04/2022

WEB COPY

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7304 of 2022
Date :25/04/2022

RS/VR/SAR.2 (27.04.2022) 3P-6C